

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE: BLUE BUFFALO COMPANY, LTD., MARKETING AND SALES PRACTICES LITIGATION		No. 4:14 MD 2562 RWS
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THIS DOCUMENT APPLIES TO:

ALL CASES

**PLAINTIFFS' STATEMENT REGARDING STATUS OF LEADERSHIP SELECTIONS
BY AND THROUGH LIAISON COUNSEL**

Pursuant to the Court's December 16, 2014 Order (Dkt. No. 30), the undersigned liaison counsel, John G. Simon, hereby submits this Statement Regarding Status of Leadership Selection:

1. Since the hearing of December 14, 2014, all plaintiffs have worked in an effort to further self organize the pending leadership motion. At the time of the hearing, 6 of the 10 pending cases and 8 of the 13 plaintiffs named on the complaints supported the structure proposed by the Majority Plaintiffs. In addition, an additional case was filed in Ohio, *Cox v. Blue Buffalo Company*, Case No. 3:14-cv-00435, which the JPML issued a conditional transfer order for on December 22, 2014.

2. As a result of the proceedings on December 14, 2014 and discussions that have taken place since, plaintiffs can now represent that 2 of the 4 cases that opposed the proposed leadership structure have reconsidered their position. Thus, 8 of the 10 cases and 11 of the 13 plaintiffs now support the structure proposed by the Majority Plaintiffs as being in the best interest of the putative class with no changes or alterations in the Proposed Order. The actions

filed by Renna, Lemon (Connecticut) and Teperson (California) now join in the motion of the Majority Plaintiffs. This support was gained without any promise or reward of position or fees.

3. In addition, on December 15, 2014, Don Downing of Gray, Ritter & Graham, P.C., was informed that if the *Cox* case is ultimately made a part of this MDL that its plaintiffs would support the structure proposed by the Majority Plaintiffs Group. This support was also gained without any promise or reward of position or fees.

4. It is clear that discussions have run their course and that it will not be possible to reach an agreement with the two other pending cases, Mackenize (Florida) and Fisher (California).

5. Therefore, the pending motion by the Majority Plaintiffs Group is ripe for determination.

Respectfully Submitted,

The Simon Law Firm, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served electronically upon all counsel of record via the CM/ECF system on this 22nd day of December, 2014.

/s/ John Simon